

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL CODY WOLF,

Defendant.

CR-18-67-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 27, 2023. (Doc. 98.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 26, 2023. (Doc. 97.) The United States accused Michael Cody Wolf, (Wolf) of violating his

conditions of supervised release 1) using methamphetamine; and 2) by failing to take the mental health medication prescribed by his physician. (Doc. 87.)

At the revocation hearing, Wolf admitted that he had violation the terms of his supervised release 1) using methamphetamine; and 2) by failing to take the mental health medication prescribed by his physician. (Doc. 97.) Judge Johnston found that the violations to be serious and warranted revocation, and recommended revocation of Wolf's supervised release and recommended a custodial sentence of 3 months, with 23 months of supervised release to follow. (Doc. 98.) Wolf was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 97.) The violations prove serious and warrant revocation of Wolf's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 98) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Michael Cody Wolf be sentenced to the Bureau of Prisons for 3 months, with 23 supervised release to follow. Wolf should serve his term of custody at FCI Dublin in Dublin, California. The Court will consider terminating Wolf's supervised release, if would complete 10 consecutive months of supervised release with no violations.

DATED this 16th day of February, 2023.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris, Chief District Judge
United States District Court